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2 FBI Lawyers Held In Contempt of Court For Withholding Files

CHICAGO—an angry federal judge has held two FBI lawyers in contempt of court for refusing to turn over files subpoenaed in two lawsuits that accuse the bureau of illegal spying on hundreds of Chicago-area residents for political purposes. At late hearing Tuesday, U.S. District Court Judge Alfred Y. Kirkland accused the FBI lawyers of being "defiant" and "stonewalling" on the files. He asked opposing lawyers to file briefs suggesting what punishment would be proper.

"The Watergate defendants would be proud of you," Kirkland, a Nixon administration appointee, told Robert Rader, a lawyer from the Justice Department in Washington, and Richard Hamilton, an attorney in the FBI's legal counsel office in Washington.

"I think it is proper to say at this time that Mr. Rader and Mr. Hamilton and the people they represent stand in defiance of this court," Kirkland said. "From everything I have seen in the records so far, the tactics of Mr. Rader and Mr. Hamilton have been to delay, to stall, to deceive and to do anything they can to frustrate this litigation."

The lawyers coud be fined or jailed if they refuse to produce the subpoenaed files.

The lawsuits, brought by the American Civil Liberties Union and the Alliance to end repression, charge that the FBI, Chicago police, CIA and Defense Department engaged in widespread political spying here, violating the constitutional rights of hundreds of persons not suspected of criminal activity.

They are class actions, seeking to permanently prohibit such spying, and Kirkland has ruled that the FBI must turn over subpoenaed files on persons and organizations who were targets of the activities.

However, the FBI has refused to turn over any files on anyone not named as a plaintiff in the lawsuits.

FBI lawyers previously appealed the order to turn over the files, but the U.S. Court of Appeals for the Seventh Circuit upheld Kirkland.

Rader and Hamilton told the judge that they personally had discussed the situation fully with Attorney General Griffin B. Bell and Solicitor General Wade H. McCree, and that Bell and McCree approved of what had been done.